



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Otsuki, et al

Serial No. : 10/785,446 Case: NOV-ACV-00010-US-NP  
NOCAR.007A

Filed : February 23, 2004

For : METHOD OF TREATMENT OF DISEASE USING AN  
ADENOSINE A1 RECEPTOR ANTAGONIST

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Art Unit:  
1614  
Examiner:  
Royds, Leslie A.

REVOCATION OF POWERS OF ATTORNEY AND APPOINTMENT OF  
NEW POWERS OF ATTORNEY AND/OR AGENTS AND CHANGE OF  
CORRESPONDANCE ADDRESS

Dear Sir:

NovaCardia, Inc., a corporation duly organized under the laws of Delaware and a wholly-owned subsidiary of Merck & Co., Inc., and the assignee of the entire right, title, and interest in the above-referenced patent application has appointed the practitioners associated with Customer No. 000210 to prosecute the above-referenced patent application and any continuations and divisionals thereof and to conduct all business before the United States Patent and Trademark Office as evidenced by enclosed copy of executed PTO/SB/80 appointing the practitioners associated with Customer No. 000210 and statement under 37 C.F.R. § 3.73(b).

All correspondence should be sent to Customer No. 000210, Merck & Co., Inc., 126 East Lincoln Ave., Rahway, NJ 07065-0900

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By CDL Date 2-11-2009

Respectfully submitted,

By   
Richard S. Parr  
Reg. No. 32,586  
Attorney for Applicants

MERCK & CO., INC.  
P.O. Box 2000  
Rahway, New Jersey 07065-0907  
(732) 594-4958

Date: February 11, 2009

FEB 17 2009

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: NovaCardia, Inc.

Application No./Patent No.: 10/785,446

Filed/Issue Date: 02/23/2004

Entitled: METHOD OF TREATMENT OF DISEASE USING AN ADENOSINE A1 RECEPTOR ANTAGONIST

NovaCardia, Inc.

(Name of Assignee)

states that it is:

- the assignee of the entire right, title, and interest; or
- an assignee of less than the entire right, title and interest.  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 015573 Frame 0220 ; Reel \_\_\_\_\_, Frame \_\_\_\_\_ ; Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

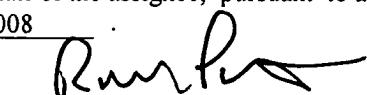
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO.  
See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee, pursuant to attached Corporate Resolution No. 5, dated April 22, 2008

  
Signature

Richard Pasternak

Printed or Typed Name

2/10/09

Date

Vice President

732-594-3496

Title

Telephone Number

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

MERCK & CO. INC.

CERTIFICATION

I, Debra A. Bollwage, Senior Assistant Secretary of Merck & Co., Inc. (the "Company"), a corporation duly organized and existing under the laws of the State of New Jersey, do hereby certify that the attached, presently in full force and effect, is a true and correct copy of General Corporate Resolution #5, Patent Matters, as amended by Unanimous Written Consent of the Board of Directors of said Company on April 22, 2008.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and affixed the seal of the Company this 30<sup>th</sup> day of April 2008.

Debra A. Bollwage  
Senior Assistant Secretary

(SEAL)

Page 1 of 1  
Amended 4/22/08

**General Corporate Resolution #5**

**PATENT MATTERS**

**RESOLVED**, that any of the following:

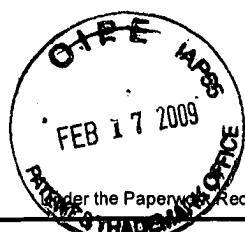
Richard T. Clark-Chairman, President and Chief Executive Officer  
Bruce N. Kuhlik-Executive Vice President and General Counsel  
Joseph F. DiPrima-Vice President and Assistant General Counsel  
Paul D. Matukaitis-Vice President and Assistant General Counsel  
Edward W. Murray-Managing Counsel, IP Litigation  
Gerard Devlin-Counsel, IP Litigation  
Valerie J. Camara-Managing Counsel, Patents  
Mark R. Daniel-Managing Counsel, Patents  
Catherine D. Fitch-Managing Counsel, Patents  
Sheldon O. Heber-Managing Counsel, Patents  
William Kroatin-Managing Counsel, Patents  
David A. Muhard-Managing Counsel, Patents  
Anthony Rollins-Managing Counsel, European Patents  
Edward M. Yoshida-Managing Counsel, Rosetta Inpharmatics  
Charles M. Caruso-Counsel, International  
Peter Haebler-Assistant Counsel, Sirna Therapeutics, Inc.  
Kenichi Osawa-Senior Director, Banyu Patent and Trademark Group  
Donna L. Margiotti-Senior Manager, Patent Administration

are authorized to execute and to revoke on behalf of Merck & Co., Inc. and its affiliates (including subsidiaries) the following documents relating to patent matters:

Powers of attorney as fully in law as may be necessary and proper in connection with the acquisition, registration, maintenance and enforcement of patents and applications for patents, including powers of attorney relating to the prosecution or defense of patent rights before courts of law or other governmental tribunals, agencies or departments; affidavits and declarations; and any other documents which are necessary and proper for the acquisition, registration, maintenance, litigation and protection of patents.

08055





PTO/SB/80 (01-06)

Approved for use through 12/31/2008. OMB 0651-0035  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

Practitioners associated with the Customer Number: 000210

OR

Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number		Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

The address associated with Customer Number:  

OR

<input type="checkbox"/> Firm or Individual Name			
Address			
City		State	Zip
Country			
Telephone			Email

Assignee Name and Address:

NovaCardia, Inc.  
One Merck Drive  
Whitehouse Station, NJ 08889-0100

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

## SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	2/10/09
Name	Richard Pasternak, MD	Telephone	732-594-3496
Title	Vice President		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.